

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

FELIX VASQUEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-932-J
)	
TREA FULTON, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a pretrial detainee, filed suit under 42 U.S.C. § 1983 alleging his constitutional rights were violated during his arrest. [Doc. No. 1]. Plaintiff also filed an application for leave to proceed in forma pauperis. [Doc. No. 2]. The matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Purcell ordered Plaintiff to cure deficiencies in his motion for leave to proceed in forma pauperis and cautioned Plaintiff that failure to respond could result in dismissal of the action. [Doc. Nos. 5, 6, 8]. Plaintiff failed to do so, and Judge Purcell recommended the action be dismissed without prejudice. [Doc. No. 9]. Plaintiff did not object and has waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 9], DENIES Plaintiff's application to proceed in forma pauperis [Doc. No. 2], and DISMISSES Plaintiff's Complaint [Doc. No. 1] without prejudice.

A separate judgment will issue.

IT IS SO ORDERED this 20th day of December, 2021.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE